IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1058 OF 2005

Rajendra Ramchandra Gorade & Anr. ...Petitioners.
Versus
Tukaram Pandu Sonawane & Ors. ...Respondents.

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Mr. G. S. Godbole for the Petitioners.
Mr.Vilas B. Tapkir for Respondent Nos.1 to 3.

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CORAM : DR. D.Y. CHANDRACHUD, J.

August 30, 2005.

P.C.:

The Additional District Judge, Pune, passed the impugned order on 29th September 2004, nearly 11 months ago, by which while allowing the appeal preferred against the order of the Learned Trial Judge declining interim relief to the original Plaintiffs, an interim injunction was issued, restraining the Petitioners herein, who are the First and Second Defendants, from causing obstruction to the original Plaintiffs in utilising their share in the well and well water situated at Gat No.845 till the disposal of the suit. The reasons which have been formulated in paragraph 7 of the

order do not warrant interference in the exercise of the jurisdiction under Article 227 of the Constitution, particularly at an interlocutory stage when the trial of the suit is still to take place. No case for interference is made out. However, it is clarified that the observations contained in the impugned order of the Additional District Judge, are confined to the disposal of the application for interim relief pending the suit and shall not come in the way of the Petitioners at the trial of the suit. It would be open to the Petitioners to make an application before the Learned Trial Judge for an early hearing of the suit and the Learned Trial Judge shall pass appropriate orders considering the exigency of his own work. All the rights and contentions of the parties are kept open. The petition is accordingly dismissed.

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